

UNITED STATES DISTRICT COURT

for the  
Western District of Oklahoma

LEE ANGROS, an individual,

Plaintiff(s),

v.

VENTANA MEDICAL SYSTEMS, INC., a  
Delaware corporation,

Defendant(s).

Case No. CIV-12-1262-R

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Ventana Medical Systems, Inc.  
1910 East Innovation Park Drive  
Tucson, AZ 85755

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) - or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Phillip L. Free, Jr.  
Hall Estill Law Firm  
100 North Broadway, Suite 2900  
Oklahoma City, OK 73102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.




SUMMONS ISSUED:

7:53 am, Nov 15, 2012

ROBERT D DENNIS, Clerk

By:

  
Deputy Clerk

Signed and sealed by the Clerk of the Court or Deputy Clerk.

AO 440 (Rev. 02/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons for *(name of individual and title, if any)* Ventana Medical Systems, Inc.  
was received by me on *(date)* 11/15/2012.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other *(specify)*:

Robert J. Gunther, Jr. of Wilmer Hale, counsel for Defendant, agreed to accept service effective May 31, 2013.  
Defendant has agreed to file a responsive pleading within thirty (30) days.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 06/07/2013

  
\_\_\_\_\_  
*Server's signature*

Phillip L. Free, Jr.

*Printed name and title*

100 North Broadway, Suite 2900  
Oklahoma City, OK 73102

*Server's address*

Additional information regarding attempted service, etc:

AO 399 (01/09) Waiver of the Service of Summons

## UNITED STATES DISTRICT COURT

for the  
Western District of Oklahoma

Lee Angros

Plaintiff

v.

Ventana Medical Systems, Inc.

Defendant

Civil Action No. 5:12-cv-1262-R

## WAIVER OF THE SERVICE OF SUMMONS

To: Phillip L. Free, Jr.

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

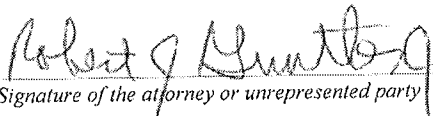
I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 30 ~~60~~ days from 05/31/2013, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 06/07/2013

Ventana Medical Systems, Inc.  
Printed name of party waiving service of summons

  
Signature of the attorney or unrepresented party

Robert J. Gunther, Jr.  
Printed name

Wilmer Cutler Pickering Hale and Dorr LLP  
7 World Trade Center  
New York, NY 10007

Address

robert.gunther@wilmerhale.com

E-mail address

(212) 230-8830

Telephone number

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.